

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD E. MORISKY,

Plaintiff,

v.

MMAS RESEARCH LLC, et al.,

Defendants.

CASE NO. C21-1301-RSM

ORDER GRANTING
PLAINTIFF'S MOTION FOR
ATTORNEY FEES AND COSTS

This matter comes before the Court on Plaintiff's "Motion for an Award of Fees and Costs Incurred in Obtaining an Order Sanctioning Defendants." Dkt. #261. On September 10, 2024, this Court adopted the Report and Recommendation imposing sanctions against Defendants and included that Plaintiff may request fees and costs related to bringing the motion for sanctions. Dkt. #257. Accordingly, Plaintiff filed the instant Motion and declarations for attorney fees and costs related to the sanctions order. Dkts. #261-263. Defendants did not respond or otherwise object.


District courts have broad discretion to determine the reasonableness of fees. *Gates v. Deukmejian*, 987 F.2d 1392, 1398 (9th Cir. 1992). To make this determination, courts determine the "lodestar amount," which is calculated by multiplying the number of hours reasonably

1 expended by a reasonable hourly rate. *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th
2 Cir. 2008). The lodestar figure is presumptively a reasonable fee award. *Id.* at 977. The court
3 may adjust the lodestar figure up or down based upon the factors listed in *Kerr v. Screen Extras*
4 *Guild, Inc.*, 526 F.2d 67, 70 (9th Cir.1975). The court need not consider the *Kerr* factors,
5 however, unless necessary to support the reasonableness of the fee award. *Cairns v. Franklin*
6 *Mint Co.*, 292 F.3d 1139, 1158 (9th Cir. 2002).

7 The Court has reviewed the Motion for fees and the supporting declarations, including
8 reasonable rates and a spreadsheet of hours, as well as considered Defendants' failure to file an
9 opposition, and finds the total amount of \$46,531.48 (\$45,796.50 in attorney's fees and \$734.98
10 in costs) to be reasonable. Accordingly, the Court shall grant Plaintiff's Motion.

11 Having reviewed the Motion and declaration thereto and remainder of the record, the
12 Court hereby finds and ORDERS that Plaintiff's "Motion for an Award of Fees and Costs
13 Incurred in Obtaining an Order Sanctioning Defendants," Dkt. #261, is GRANTED. Plaintiff
14 shall be awarded \$45,796.50 in attorney's fees and \$734.98 in costs for a total of \$46,531.48.
15 Defendants shall remit to Plaintiff, care of Plaintiff's counsel, Weide & Miller, Ltd., within thirty
16 (30) days of this Order to avoid further sanctions.

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18 DATED this 22nd day of November, 2024.

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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE
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